

Message Text

CONFIDENTIAL

PAGE 01 SOFIA 01157 01 OF 02 010804Z

15

ACTION EUR-25

INFO OCT-01 ADP-00 L-03 CPR-02 SCA-01 SCS-03 INR-10 RSR-01

RSC-01 /047 W

----- 117092

P 311425Z AUG 73

FM AMEMBASSY SOFIA

TO SECSTATE WASHDC PRIORITY 6953

C O N F I D E N T I A L SECTION 1 OF 2 SOFIA 1157

E.O. 11652: N/A

TAGS: CGEN

SUBJ: CONSULAR CONVENTION NEGOTIATIONS

REF: SOFIA 1131

1. LATE 31 AUGUST, CHIEF BULGARIAN MFA CONSULAR SECTION (KARASLAVOV) SUMMONED CONSUL TO DELIVER INFORMAL NOTE REFLECTING BULGARIAN POSITION ON VARIOUS QUESTIONS GENERATED DURING APRIL 1973 CONSULAR AGREEMENT TALKS IN SOFIA. FOLLOWING TEXT MFA ENGLISH TRANSLATION AS RECEIVED:

"DURING THE DISCUSSIONS BETWEEN THE BULGARIAN AND AMERICAN DELEGATIONS OVER THE DRAFTS FOR A CONSULAR CONVENTION BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA AND THE UNITED STATES OF AMERICA WHICH TOOK PLACE IN SOFIA FROM APRIL 25 TO APRIL 28, 1973 AGREEMENT IN GENERAL HAVE BEEN REACHED ON ALMOST ALL TEXTS. THE TWO DELEGATIONS HAVE AGREED IN ADVANCE THAT THE FIRST COMMON TALKS WILL NOT DEAL WITH EDITORIAL AND LANGUAGE DIFFERENCES.

HOWEVER, A FEW NEW PROPOSALS MADE DURING THE TALKS HAVE NOT BEEN DISCUSSED.

IN ORDER TO FACILITATE THE FURTHER WORK OF THE DELEGATIONS WHEN THEY WILL RENEW THE TALKS FOR FINALIZING THE TEXT OF THE CONSULAR CONVENTION, WE DEEM IT USEFUL TO PRESENT TO THE STATE DEPARTMENT IN UNOFFICIAL FORM SOME PRELIMINARY NOTES OF THE MINISTRY OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF BULGARIA ON THE PROPOSALS, WHICH THE DELEGATIONS DID NOT HAVE TIME TO DISCUSS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SOFIA 01157 01 OF 02 010804Z

1. ARTICLE 6. WE PROPOSE THAT PARAGRAPH TWO OF THIS ARTICLE

BE DELETED. AT THE FINAL EDITING OF ARTICLE 5 WE PROPOSE A PROVISION FOR NOTIFYING OF THE FULL NAME, FUNCTION AND RANK OF THE CONSULAR OFFICER TO BE INSERTED.

2. ARTICLE 15. WE PROPOSE THE FOLLOWING WORDING: :RESPECT OF THE PERSONALITY OF THE CONSULATE STAFF MEMBERS AND THE MEMBERS OF THEIR FAMILIES.

THE RECEIVING STATE SHALL BE OBLIGED TO TREAT WITH THE DUE RESPECT THE CONSULATE STAFF MEMBERS AND THE MEMBERS OF THEIR FAMILIES AND TO TAKE ALL PROPER MEASURES TO PREVENT ANY ENCROACHMENT UPON THEIR PERSONALITY, FREEDOM OR DIGNITY".

3. ARTICLE 16. WE PROPOSE THE FOLLOWING WORDING;

"1. CONSULAR OFFICERS AND MEMBERS OF THEIR FAMILIES RESIDING WITH THEM SHALL BE IMMUNE FROM THE CRIMINAL, CIVIL AND ADMINISTRATIVE JURISDICTION OF THE RECEIVING STATE.

2. CONSULAR EMPLOYEES AND MEMBERS OF THEIR FAMILIES RESIDING WITH THEM SHALL BE IMMUNE FROM THE CRIMINAL JURISDICTION OF THAT STATE. THEY SHALL ALSO BE IMMUNE FROM THE CIVIL AND ADMINISTRATIVE JURISDICTION OF THE RECEIVING STATE IN RESPECT OF ANY ACT PERFORMED IN THEIR OFFICIAL CAPACITY.

3. PROVISIONS OF PARAGRAPH 1 AND 2 SHALL NOT APPLY TO CIVIL PROCEEDINGS:

A) RESULTING FROM AGREEMENTS THAT HAVE NOT BEEN CONCLUDED BY THE CONSULAR OFFICER OR EMPLOYEE ON BEHALF OF THE

SENDING STATE;

B) CONCERNING INHERITANCE IN WHICH THE CONSULAR OFFICER OR CONSULAR EMPLOYEE DOES NOT REPRESENT THE SENDING STATE BUT APPEARS AS A PRIVATE PERSON;

C) CONCERNING THE LIABILITY FOR DAMAGE CAUSED IN THE RECEIVING STATE BY THE MEANS OF TRANSPORT".

4. ARTICLE 24. THE FOLLOWING WORDING OF THIS ARTICLE WOULD BE MORE AGREEABLE FOR US:

"1. ALL ARTICLES, INCLUDING MOTOR VEHICLES, IMPORTED FOR THE OFFICIAL USE OF A CONSULATE SHALL BE IN CONFORMITY WITH THE LEGAL REGULATIONS OF THE RECEIVING STATE EXEMPT FROM CUSTOMS DUTIES AND OTHER TAXES OR SIMILAR CHARGES OF ANY KIND IMPOSED UPON OR BY REASON OF IMPORTATION TO THE SAME EXTENT AS IF THEY WERE IMPORTED BY THE DIPLOMATIC MISSION OF THE SENDING STATE IN THE RECEIVING STATE.

2. A CONSULAR OFFICER AND MEMBERS OF HIS FAMILY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SOFIA 01157 01 OF 02 010804Z

RESIDING TOGETHER WITH HIM SHALL BE EXEMPT FROM CUSTOMS DUTIES AND CHARGES IMPOSED UPON OR BY REASON OF IMPORTATION OF ALL ARTICLES DESIGNED FOR THEIR PERSONAL USE, INCLUDING ARTICLES FOR THE INITIAL EQUIPMENT OF THEIR HOUSEHOLD. A CONSULAR EMPLOYEE SHALL ENJOY THE EXEMPTIONS PROVIDED FOR IN THIS PARAGRAPH ONLY IN RESPECT OF ARTICLES IMPORTED BY HIM ON HIS FIRST ARRIVAL AT THE CONSULATE.

3. THE ARTICLES DESIGNED FOR PERSONAL USE SHALL NOT

EXCEED THE QUANTITIES REQUIRED FOR DIRECT USE BY THE PERSONS CONCERNED.

4. THE PERSONAL LUGGAGE OF CONSULAR OFFICERS AND MEMBERS OF THEIR FAMILIES LIVING TOGETHER WITH THEM, SHALL BE EXEMPT FROM A CUSTOMS INSPECTION. THEY MAY BE INSPECTED ONLY IN CASES WHEN THERE ARE SERIOUS REASONS TO BELIEVE THAT THEY CONTAIN OTHER ARTICLES THAN STATED IN PARAGRAPH 2 OR ARTICLES THE IMPORTATION OR EXPORTATION OF WHICH IS PROHIBITED BY THE LEGAL REGULATIONS OF THE RECEIVING STATE OR WHICH ARE SUBJECT TO THE LEGAL PROVISIONS ON QUARANTINE. SUCH AN INSPECTION MUST BE UNDERTAKEN IN THE PRESENCE OF THE CONSULAR OFFICER CONCERNED OR A MEMBER OF HIS FAMILY OR A PERSON REPRESENTING HIM."

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 SOFIA 01157 02 OF 02 010752Z

15

ACTION EUR-25

INFO OCT-01 ADP-00 L-03 CPR-02 SCA-01 SCS-03 INR-10 RSR-01

RSC-01 /047 W

----- 117013

P 311425Z AUG 73

FM AMEMBASSY SOFIA

TO SECSTATE WASHDC PRIORITY 6954

C O N F I D E N T I A L SECTION 2 OF 2 SOFIA 1157

5. ARTICLE 38. WE PROPOSE THE FOLLOWING WORDING:

"CONTACTING CITIZENS OF THE SENDING STATE.

1. A CONSULAR OFFICER SHALL HAVE THE RIGHT TO ESTABLISH AND MAINTAIN CONTACT WITH ANY NATIONAL OF THE SENDING STATE, TO PROVIDE HIM WITH COUNSEL AND ALL NECESSARY ASSISTANCE AND IF NEED BE, TO SECURE LEGAL HELP FOR HIM.

IF A NATIONAL OF THE SENDING STATE WISHES TO VISIT THE CONSULAR OFFICER OR TO CONTACT HIM IN SOME OTHER WAY THE RECEIVING STATE SHALL IN NO WAY INFRINGE UPON THE RIGHT OF ACCESS OF THIS NATIONAL TO THE CONSULATE OF THE SENDING STATE.

2. THE COMPETENT AUTHORITIES OF THE RECEIVING STATE SHALL WITHOUT DELAY NOTIFY THE APPROPRIATE CONSULAR OFFICER OF THE DETENTION OR THE PLACING INTO CUSTODY OF A NATIONAL OF THE SENDING STATE.

3. THE CONSULAR OFFICER SHALL BE ENTITLED TO VISIT, AS SOON AS POSSIBLE, AND TO MAINTAIN CONTACT WITH A NATIONAL

OF THE SENDING STATE, WHO HAS BEEN DETAINED, TAKEN INTO CUSTODY OR IS SERVING A SENTENCE OF IMPRISONMENT. THE COMPETENT AUTHORITIES OF THE RECEIVING STATE SHALL ALSO WITHOUT DELAY CONVEY TO THE CONSULAR OFFICER ANY WRITTEN COMMUNICATION FROM THE NATIONAL OF THE SENDING STATE WHO HAS BEEN DETAINED, TAKEN INTO CUSTODY OR IS SERVING A SENTENCE OF IMPRISONMENT.

4. UPON REQUEST, THE CONSULAR OFFICER SHALL BE IMMEDIATELY INFORMED OF THE REASONS FOR THE DETENTION OR THE TAKING INTO CUSTODY OF A NATIONAL OF THE SENDING STATE.

5. THE RIGHTS OF THE CONSULAR OFFICERS UNDER PARAGRAPHS 3 AND 4 SHALL BE APPLIED IN ACCORDANCE WITH THE LAW OF THE RECEIVING STATE, PROVIDED THAT THIS LAW DOES NOT INFRINGE UPON CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SOFIA 01157 02 OF 02 010752Z

THESE RIGHTS."

THE BULGARIAN DELEGATION STUDIED VERY CAREFULLY THE PROPOSED LETTER, REFERRING TO THE APPLICATION OF ARTICLE 38 OF THE DRAFT CONVENTION TO THE PERSONS WITH DUAL CITIZENSHIP.

WE CONSIDER THAT FOR THE PURPOSES OF THIS CONVENTION THIS PROBLEM SHOULD NOT NECESSARILY BE TREATED. MOREOVER THAT IN OUR PRACTICE UP TO NOW IN SIGNING BILATERAL CONSULAR CONVENTIONS WITH OTHER COUNTRIES WE HAVE'T HAD SUCH A PRECEDENT. AS FAR AS WE KNOW THIS HAS NOT BEEN ADOPTED AS A GENERAL PRACTICE OF THE AMERICAN PARTY EITHER. IF IT WOULD BE DEEMED PROPER THAT THE PROBLEM OF THE PERSONS WITH DUAL CITIZENSHIP SHOULD BE TREATED IN SOME WAY, IT COULD BE SUBJECT TO ANOTHER TALK OR AT SOME OTHER OCCASION."

2. EMBASSY COMMENTS WILL FOLLOW.
BATJER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 31 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973SOFIA01157
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS BATJER
Errors: N/A
Film Number: n/a
From: SOFIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973082/aaaaabfe.tel
Line Count: 205
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: SOFIA 1131
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 06 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06-Sep-2001 by martinml>; APPROVED <06-Nov-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONSULAR CONVENTION NEGOTIATIONS
TAGS: CGEN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005